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10/776,493

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Peter V. Boesen

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MCKEE, VOORHEES & SEASE, P.L.C.

801 GRAND AVENUE

SUITE 3200

DES MOINES, IA 50309-2721

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2614

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,493

Applicant(s)

BOESEN, PETER V.

Examiner

Melur Ramakrishnaiah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack, II et al. (US PAT: 6,510,325, filed 9-27-1999, hereinafter Mack) in view of Shimamura (US PAT: 7,176,961, filed 12-27-2002) and Palermo et al. (US PAT: 5,982,764, filed 4-23-1997, hereinafter Palermo)

Regarding claim 1, Mack discloses a handheld personal communication device comprising: a first body having a display (20, fig. 3B), a second body having a plurality of manual inputs (2, fig. 3B), the first body adapted for attachment to the second body, the personal communication device having an open position wherein the display (20, fig. 3B) of the first body and manual inputs of the second body are accessibly exposed to the face of the user (as shown in fig. 3B), the personal communications device having a closed position wherein the display of the first body is at least partially protected by the second body and manual inputs of the second body are accessibly exposed to the face the user (as shown in fig. 1A; col. 6, line 34 – 60; col. 4 lines 13-48), a cellular transceiver in at least one of the first body or the second body (note: reference teaches bidirectional videophone capability to be implemented as a cellular telephone implies

cellular transceiver in one of the bodies: col. 4 lines 38-40 and fig. 3B for video telephone implementation).

Mack differs from claim 1 in that he does not teach: a video camera operatively connected to the second body such that in closed position the video camera faces the user and in the open position the video camera faces away from the user, a close range transceiver in at least one of the first body or second body.

However, Shimamura discloses portable electronic device and portable cellular telephone which teaches the following: a video camera operatively connected to the second body such that in closed position the video camera faces the user (as shown in fig. 1) and in the open position the video camera faces away from the user (as shown in fig. 2; col. 6 lines 24 – 64), and Palermo discloses: a close range transceiver (reads on 30, fig. 2) in at least one of the first body or second body (col. 3, line 66 – col. 4, line 44).

Thus, it would have been obvious to one of ordinary skill to modify Mack's system to provide for the following: a video camera operatively connected to the second body such that in closed position the video camera faces the user and in the open position the video camera faces away from the user as this arrangement would facilitate to provide camera arrangement suitable for user applications as taught by Shimamura; a close range transceiver in at least one of the first body or second body as this arrangement would facilitate hands-free use for communications as taught by Palermo, thus facilitating user convenience.

Regarding claim 2, Mack teaches the following: display includes a sub region (6, fig. 1) viewable user in closed position.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mack in view of Shimamura as applied to claim 1 above, and further in view of Yachi (JP406253296A) and Chihara et al. (US PAT: 6,714,233, filed 5-20-2001, hereinafter Chihara).

The combination differs from claim 3 in that it does not specifically teach: first body is removably attached to the second body and each of the first and second body includes closes range transceiver.

However, Yachi discloses video telephone set which teaches: first body (11, fig. 1) is removably attached to the second body (reads on main body as shown in fig. 1; see abstract) and further Chihara teaches: first body (12, fig. 1) and the second body (11, fig. 1) includes a close range transceiver (fig. 2; col. 7, line 3 – col. 8, line 50).

Thus, it would have been obvious to one of ordinary skill to modify the combination to provide for the following: first body is removably attached to the second body as this arrangement would provide for flexibility to use of equipment to meet user needs as taught by Yachi; and each of the first and second body includes closes range transceiver as this arrangement would facilitate to provide wireless communication between devices as taught by Chihara, thus providing user to move around while communicating as taught by Chihara.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mack in view of Shimamura as applied to claim 1 above, and further in view of Kang (US PAT: 7,133,691, filed 6-4-2002).

The combination differs from claim 4 in that he does not specifically teach: display is adapted to operate as a viewfinder associated with the video camera when in an open position.

However, Kang discloses portable telephone with camera which teaches the following: display is adapted to operate as a viewfinder associated with the video camera when in an open position (figs. 8-9, col. 6 lines 39-47).

Thus, it would have been obvious to one of ordinary skill to modify the combination to provide for the following: display is adapted to operate as a viewfinder associated with the video camera when in an open position as this arrangement would facilitate the user to view the camera image before proceeding to take the picture as taught by Kang, thus making sure they get the picture they want.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack in view of Shimamura and Futami (JP09-187060).

Regarding claim 5, Mack discloses a system for personal voice and video communications, comprising: a handheld personal communication device comprising a first body having a display (20, fig. 3B) and a second body having a plurality of inputs (2, fig. 3B), the first body adapted for attachment to the second body, the personal communications device having an open position wherein the display (20, fig. 3B) of the first body and manual inputs of the second body (2, fig. 3B) are accessibly exposed to

face a user (see fig. 3B), the personal communication device having a closed position wherein the display of the first body is at least partially protected by the second body and manual inputs of the second body are accessibly exposed to face a user (see fig. 3A, col. 6 lines 30-60).

Mack differs from claim 5 in that he does not teach: a video camera operatively connected to the second body such that in closed position the video camera faces the user and in the open position the video camera faces away from the use; and handheld communication device having a voice transceiver and close range transceiver, an earpiece comprising a bone conduction sensor operatively connected to a second close range transceiver for communication with the handheld personal communication device.

However, Shimamura discloses portable electronic device and portable cellular telephone which teaches the following: a video camera operatively connected to the second body such that in closed position the video camera faces the user (as shown in fig. 1) and in the open position the video camera faces away from the user (as shown in fig. 2; col. 6 lines 24 – 64); and Futami discloses portable telephone set with wireless earphone which teaches the following: handheld communication device having a voice transceiver and close range transceiver (15, Drawing 1), an earpiece (2, Drawing 2) comprising a bone conduction sensor operatively connected to a second close range transceiver (22, Drawing 2) for communication with the handheld personal communication device (Drawings 1-2; abstract; paragraphs: 0006 – 0010).

Thus, it would have been obvious to one of ordinary skill to modify Mack's system to provide for the following: a video camera operatively connected to the second

body such that in closed position the video camera faces the user and in the open position the video camera faces away from the user as this arrangement would facilitate to provide camera arrangement suitable for user applications as taught by Shimamura; handheld communication device having a voice transceiver and close range transceiver, an earpiece comprising a bone conduction sensor operatively connected to a second close range transceiver for communication with the handheld personal communication device as this arrangement would facilitate hands free communication as taught by Futami, thus facilitating user convenience.

Mack differs from claim 6 in that he does not specifically teach: first body and second body of the handheld communication device are removably attached.

However, Futami teaches the following: first body (1, Drawing 1) and second body (2, Drawing 1) of the handheld communication device are removably attached as shown in Drawing 1.

Thus, it would have been obvious to one of ordinary skill to modify Mack's system to provide for the following: first body and second body of the handheld communication device are removably attached as this arrangement would facilitate hands free communication as taught by Futami, thus facilitating user convenience.

6. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chihara in view of Iijima et al. (JP2001-298516, hereinafter Iijima).

Regarding claim 7, Chihara discloses a method of providing video communication comprising: providing a device comprising a first body (11, fig. 1) having a processor operatively connected to display, a plurality of buttons, a voice transceiver (27, fig.

2), and a first close range transceiver (34, fig. 2) and a second body (12, figs. 1 and 2) having a video imaging device and operatively connected to a second close range transceiver (53, fig. 2), acquiring the video image with video imaging device (12, fig. 1) and transmitting video from the second body (12, fig. 2) to the first body (11, figs. 1-2; col. 7, line 3 – col. 8, line 49).

Chihara differs from claim 7 in that he does not specifically teach: the first body is removable from the second body, removing the first body and second body, and displaying the video image on the display of the first body.

However, Iijima discloses portable radio communication equipment which teaches: the first body is removable from the second body, removing the first body (100, Drawing 1) and second body (400, Drawings 1, 5), and displaying the video image on the display (201, Drawing 1) of the first body (abstract; paragraphs: 30).

Thus, it would have been obvious to one of ordinary skill to modify Chihara's system to provide for the following: the first body is removable from the second body, removing the first body and second body, and displaying the video image on the display of the first body as this arrangement would facilitate storage of communication equipment in main body as taught by Iijima, thus providing compact communication equipment for carrying etc.

Regarding claim 8-11, Chihara further teaches the following: storing a representation of the video image and transmitting video image using the voice transceiver (figs. 1-2; col. 7, line 3 – col. 8, line 49), second body (12, fig. 1) further comprises a microphone operatively connected to the second body close range

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transceiver, transmitting audio from the second body to the first body (11, fig. 1, col. 10 lines 56-67, col. 11 line 1).

7. Claims 12-25 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (JP08-321863, hereinafter Kawamura) in view of Palermo.

Regarding claim 12, Kawamura discloses a personal communication device, comprising: a housing comprising a first body (for example 100, Drawing 1) and second body (200, Drawing 1) operatively connected to the first body, the second body having a first side and opposite second side, the first body and second body having an open position, a first closed position (Drawing 3) and a second closed position (Drawing 4), the first side of the second body openly exposed and second side of the second body adjacent to the first body in closed position, the second side of the second body openly exposed and the first side of the second body adjacent the first body in the closed position, a voice transceiver disposed in the housing (paragraphs: 0006 – 0019).

Kawamura differs from claim 12 in that he does not specifically teach: a close range transceiver disposed within the first housing.

However, Palermo teaches the following: a close range transceiver (reads on 30, figs. 2-3) disposed within the first housing (col. 3, line 66 – col. 4, line 45).

Thus, it would have been obvious to one of ordinary skill to modify Kawamura's system to provide for the following: a close range transceiver disposed within the first

housing as this arrangement would facilitate hands-free use for communications as taught by Palermo, thus facilitating user convenience.

Regarding claims 13-25, Kawamura further teaches the following: first body (100, Drawing 1) is slidably attached to the second body (Drawing 1), first plurality of buttons on the first side of the second body and second plurality of buttons on the second side of the second body (Drawing 1, 3), first body includes a display, third body (300, Drawing 1) operatively connected to the first body (drawing 1), third body is slidably hinged to the first body (Drawing 1), first and third body have an open position (Drawings: 1-2), a first closed position (Drawing 3, and a second closed position (Drawing 4), the third body (300, Drawings: 1-2) has a first side and an opposite second side, and wherein the first side of the third body is openly exposed and the second side of the third body is adjacent the first body in the closed position (Drawing 4), and second side of the third body openly exposed and first side of the third body adjacent to the first body in the second closed in the second closed position, first body includes a display (310, Drawing 5), second body includes a display (204, Drawing 2), the first body and second body includes a display (drawings: 2, 5), the first body is removably attached to the second body (Drawings: 1, 3), first body includes at least one video camera (106, Drawings 1-2), the third body (300, Drawing 4) is irremovably attached to the second body (paragraphs: 0006 – 0019).

Regarding claim 31, Kawamura discloses a personal communication device, comprising: a housing (Drawing 1) comprising a first body (for example 200, Drawing 1), a second body (100, Drawing 1, and a third body (300, Drawing 1), the first body

(200) operatively connected to the second body (100), third body (300) operatively connected to the second body (100), a voice transceiver disposed within the housing as shown in Drawing 2 (see abstract; (paragraphs: 0006 – 0019).

Kawamura differs from claim 31 in that he does not specifically teach: a close range transceiver disposed within the housing.

However, Palermo teaches the following: a close range transceiver (reads on 30, figs. 2-3) disposed within the housing (col. 3, line 66 – col. 4, line 45).

Thus, it would have been obvious to one of ordinary skill to modify Kawamura's system to provide for the following: a close range transceiver disposed within the first housing as this arrangement would facilitate hands-free use for communications as taught by Palermo, thus facilitating user convenience.

Regarding claims 32-36, Kawamura further teaches the following: first body (200, Drawing 2) is hinged to the second body (100, Drawing 2), comprising at least one display (200, Drawing 2) or a plurality of buttons associated with each of the first body, second body, and third body (Drawings:1, 12), first body is slidably hinged to the second body, third body is hinged to the third body, third body is hinged to the first body is slidably hinged to the first body (paragraphs:0012 – 0017).

8. Claims 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura in view of Palermo as applied to claim 16 above, and further in view of Mack.

The combination differs from claims 26 and 30 in that although he discloses attaching camera (106, Drawing 1) to one of the body (for example 100, Drawing 1), he does not specifically disclose: third body includes one video camera, second body includes at least one video camera etc.

However, Mack discloses camera (7, fig. 1A, col. 4 lines 39-42) attached to one of the bodies and another camera (21, Drawing 3B) attached to another body (col. 6 lines 49-52).

Thus, it would have been obvious to one of ordinary skill to modify the combination to provide for the following: third body includes one video camera, second body includes at least one video camera as this arrangement would facilitate to provide cameras at different bodies to suite user's application requirements as thought by Mack.

9. Claim 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura in view of Palermo as applied to claim 12 above, and further in view of Chihara et al. (US PAT: 6,714,233, filed 6-20-2001).

The combination differs from claim 27 in that it does not specifically teach: the first body includes the close range transceiver and the second body includes a second close range transceiver, the third body includes the close range transceiver and the second body includes a second close range transceiver, the first includes the close range transceiver and the second body includes a second close range transceiver and the third body includes a third close range transceiver.

However, Chihara teaches the following: the first body (11, fig. 1) includes the close range transceiver and the second body i(12, fig. 1) includes a second close range

transceiver (col. 7, line 3 – col. 8, line 50), the third body (13, fig. 7) includes the close range transceiver and the second body includes a second close range transceiver, the first includes the close range transceiver and the second body includes a second close range transceiver and the third body includes a third close range transceiver (fig. 7, col. 12, line 43 – col. 13, line 11).

Thus, it would have been obvious to one of ordinary skill to modify the combination to provide for the following: the first body includes the close range transceiver and the second body includes a second close range transceiver, the third body includes the close range transceiver and the second body includes a second close range transceiver, the first includes the close range transceiver and the second body includes a second close range transceiver and the third body includes a third close range transceiver as this arrangement would facilitate close range communications between the devices as taught by Chihara, thus facilitating user convenience.

Response to Arguments

Applicant's arguments amended claim 1 are moot as it has been rejected now using different references.

Regarding rejection of dependent claim 3 under 35 U.S.C 103(a), applicant argues that "none of the references cited show two separate close range transceivers within the device. Nor does the office action provide any convincing evidence that one skilled in the art would combine the cited references in a manner that would result in the claimed device". Regarding this, the very purpose of close range transceivers is to provide close range communications and they have to be separated in order to use

them. Chihara teaches close range communications using transceivers located in different bodies (fig. 10) as required by applicants claim. Further examiner has given convincing evidence to combine the art such as providing close range communications between different devices, thus providing user convenience as taught by Chihara which applicant has failed acknowledge.

Applicant further arguments such as: "Yachi teaching of a detachable does not provide for detachable body in wireless communication. Where both bodies ... that none of the references alone or in combination disclose bodies of a single device that provide an open position for the device as well as closed position for the device and also detachable and provide wireless communications with one another" is based on arguing against individual references. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding claim 4 under 35 U.S.C 103(a) as being obvious over Mack in view of Shimamamura as applied claim 1, and further in view of U.S patent no. 7,133, 691 to Kang: Applicant's arguments are noted and these are tied to independent claim 1 being patentable which is not as set forth in the office action above.

Regarding rejection of claims 5-6 under 35 U.S.C 103(a) as being obvious over Mack in view of Shimamamura and Futani (JP 09-187060): regarding rejection of claims 5-6, Applicant argues that "the deficiencies of Mack and Shimamamura have been

discussed with respect to claim 1 from which claims 5-6 depend". Regarding this, applicant's amended claim is rejected based on new combination of references and further claims 5-6 does not depend on claim 1. Claim 5 is independent claim and does not depend on claim 1.

Regarding rejection of claims 7-11, applicant makes arguments that these claims are dependent on claim 1. But claim 7 is an independent claim and does not depend on claim 1.

Regarding rejection of claim 26 and 30 under 35 U.S.C 103(a) as being over Kawamura in view of Mack: Applicant's arguments with respect to these claims are moot as they depend upon amended claim 12 which is rejected based on new combination of references.

Applicant's arguments regarding rejection of claims amended claims 27-29 is moot as they have been rejected based on a new combination of references.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melur Ramakrishnaiah/
Primary Examiner, Art Unit 2614

